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## Via Facsimile and First Class Mail

Margaret J. Toalson, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4818

Dear Ms. Toalson:

This will respond to your letter of July 20, 2001 in connection with the above-referenced MUR, with respect to access to transcripts of depositions. In that letter, you indicated that the Commission would grant to our clients, respondents Senator Gene Stipe and The Stipe Law Firm, access to the transcripts of five depositions taken in the course of the Commission's investigation, namely, those of Gene Stipe; Walt Roberts; Annie Prather; Charlene Spears; and Jim E. Lane. We have obtained those transcripts and appreciate your assistance in that regard.

You also indicated that, if we desired to obtain other depositions, we should identify the specific deponents and the reasons why we should be given access to the transcripts of their respective depositions. We request the following additional material obtained by the Commission in the course of its investigation and specifically relied on by the General Counsel in her Brief recommending probable cause:

1. The "documentation" produced by Charles Dooley referred to on page 18, footnote 18, of the Brief, and specifically relied on in the Brief to contradict assertions by Walt Roberts and Senator Stipe about the amounts paid for cattle purchases by Senator Stipe;
2. Copies of any statement by Charles Dooley, in any form, whether interview notes or transcripts of a deposition, which statement forms the

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basis for the assertion in the Brief, on page 18, that Dooley "states that payment was received prior to when the cattle were shipped," a statement relied on in the Brief to contradict statements by Walt Roberts about when he paid for cattle;

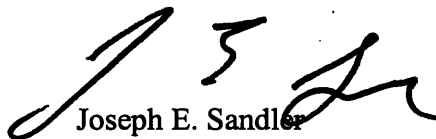
3. The transcript of the deposition of Larry Oliver, whose statements are specifically cited on page 35 of the Brief, as support for the proposition that the purpose of the September 11, 1998 art auction was to raise funds for the Roberts campaign;
4. The transcript of the deposition of Francis Stipe, whose testimony is specifically cited on page 35 of the Brief, again as support for the proposition that the purpose of the September 11, 1998 art auction was to raise funds for the Roberts campaign;
5. The transcript of the deposition of Louise Crosslin, whose testimony is specifically cited on page 35 of the Brief, apparently supporting Senator Stipe's claim that funds provided to her were for certain business expenses.

In your letter, you suggest that the decision whether to honor our request for these materials lies in the "Commission's discretion." As you know, however, the opportunity to submit a brief fully responding to the General Counsel's brief on probable cause is not some sort of privilege that the Commission may extend to a respondent in its discretion, but rather is an absolute right of a respondent conferred by the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §437g(a)(3). It is clear that, in order to be able to prepare a meaningful response to the General Counsel's Brief, respondents Stipe and Stipe Law Firm must be provided with all of the testimony and evidence on which the General Counsel's Brief specifically relies.

For these reasons, we respectfully request that we be provided with the above-listed transcripts and other documentation immediately.

Thank you for your time and attention to this request.

Sincerely yours,



Joseph E. Sandler  
Attorneys for Respondents Senator Gene  
Stipe and The Stipe Law Firm

cc: James E. Fraiser, Esq.